

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-10, 13-14 and 18-25 are pending in the current application. Of those, claims 1, 6, 9, 13, 18, and 21 are independent claims. Claims 1, 3-4, 6-9, 13-14, 18, and 21 have been amended and claims 11-12 and 15-17 have been canceled by this response. No new matter has been added.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O.

Applicants also respectfully note the present action indicates that the drawings have been accepted by the Examiner.

**Claim Rejections under 35 U.S.C § 103**

**Claims 1-3 and 6-25**

Claims 1-3 and 6-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication 2002/0095531 ("Mori") in view of U.S. Publication 2003/0099464 ("Oh"). Applicants respectfully traverse this rejection.

For brevity, Applicants incorporate by reference Applicants' remarks filed on February 26, 2009. Applicants will concentrate on responding to the Examiner's response detailed on page 2 of the current office action.

Amended claim 1 recites *inter alia*, "receiving video data and additional data, the additional data including graphic data and subtitle data." At Pg. 2 of the current office action, the Examiner relies on Para. [0079] of Mori to disclose the "graphic data" of amended claim 1. However, Para. [0079] of Mori only discloses "overlaying the graphic signal on the digital video signal" via a "compositor." As such, Mori fails to

disclose “the additional data including ...**subtitle data**,” as recited in amended claim 1.

Amended claim 1 recites *inter alia*, “**sub-planes** based on a **type of the additional data**.” At Pg. 2 of the current office action, the Examiner states that Para. [0079] of Mori “clearly discloses graphics (OSD menu) overlaid on the digital menu.” However, as discussed above, the “graphics (OSD menu)” refers to the “graphic **signal**” and the “digital menu” refers to the “digital video **signal**.” Thus, as Mori only discloses overlaying two **signals**, Mori fails to disclose “**sub-planes** based on a **type of the additional data**,” as recited in amended claim 1.

Moreover, as Mori discloses **only one type** of additional data, graphic data, Mori can not even teach **differentiating** between **different or multiple types of additional data** such that the “additional data is presented on a plurality of **sub-planes** based on a **type of the additional data**,” as recited in amended claim 1.

Amended claim 1 recites *inter alia*, “the additional data is presented on a plurality of **distinct regions** that do not overlap with each other” and the “additional data is presented on a plurality of sub-planes based on the type of the additional data so that **the plurality of distinct regions are presented on each of the sub-planes**. At Pg. 2 of the current office action, the Examiner admits that “Mori does not disclose sub-planes which are divided into distinct regions.” Instead, the Examiner relies on Para. [0041] of Oh to disclose the above limitation. As shown in Fig. 2 and disclosed at Para. [0041] of Oh, **each “sub-picture” of Oh is merely a “subtitle code” that is stored in a separate region of the memory 202 in Oh**. Thus, even though the Examiner states that he is only relying on Oh “to teach that the additional data can be stored in distinct regions,” the “separate region[s]” of Oh are not taught to be **presented on each of the sub-planes**, as recited in amended claim 1. Moreover, as

discussed above, Mori fails to teach that the “additional data is presented on a plurality of sub-planes based on a type of the additional data,” as recited in amended claim 1. Thus, Mori and Oh (either singly or in combination) fail to disclose that “the plurality of distinct regions are presented on each of the sub-planes,” as recited in amended claim 1.

In view of the above, Oh and Mori (either singly or in combination) also fail to disclose “each of the distinct regions of each of the sub-planes are configured to be overlaid on the video data of the main plane” where the “plurality of distinct regions” of each sub-planes “do not overlap with each other,” as recited in amended claim 1.

For at least the foregoing reasons, amended claim 1 is patentable over Mori and Oh. Even assuming *arguendo* that Mori and Oh are combinable (which Applicants do not admit), Oh still fails to remedy the deficiencies of Mori with respect to amended claim 1. Independent claims 6, 9, 13, 18, and 21 recite somewhat similar limitations to claim 1 and therefore are patentable for at least some of the reasons stated above with respect to claim 1. For example, independent claim 6 recites *inter alia*, “different regions in a same plane.” Dependent claims 2-3, 7-8, 10, 14, 19-20 and 22-25 are patentable at least by virtue of their dependency on one of amended independent claims 1, 6, 9, 13, 18, and 21. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

#### Claims 4 and 5

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mori in view of Oh as applied to claim 1, and further in view of U.S. Publication 2003/0117529 (“De Haan”). Applicant respectfully traverses this rejection.

Even assuming *arguendo* that Mori, Oh and De Haan are combinable (which Applicants do not admit), De Haan still fails to remedy the deficiencies of Mori and Oh with respect to amended claim 1. Dependents claim 4 and 5 are patentable at least by virtue of their dependency on amended independent claim 1. Applicants, therefore, respectfully request that the rejection to the above claims under 35 U.S.C. § 103(a) be withdrawn.

**CONCLUSION**

Accordingly, in view of the above remarks, reconsideration of the objections and rejections and allowance of each of the claims in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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